

# ATTACHMENT A

Office of the Secretary

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

February 20, 2015

MEMORANDUM FOR: Sarah Saldaña  
Director  
U.S. Immigration and Customs Enforcement

R. Gil Kerlikowske  
Commissioner  
U.S. Customs and Border Protection

León Rodríguez  
Director  
U.S. Citizenship and Immigration Services

Alan D. Bersin  
Acting Assistant Secretary for Policy

FROM: Jeh Charles Johnson  
Secretary

A handwritten signature in black ink, appearing to be "Jeh Charles Johnson", written over the printed name.

SUBJECT: **Immediate Suspension of Any and All Actions to Implement the  
Deferred Action for Parents of Americans and Lawful  
Permanent Residents (DAPA) and Expanded Deferred Action  
for Childhood Arrivals (DACA) Policies**

On November 20, 2014, I issued guidance on the Department's prosecutorial discretion authority in a memorandum entitled *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents*. This memorandum expanded the guidelines for Deferred Action for Childhood Arrivals (DACA) and established new guidelines for Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA).

In an order issued on February 16, 2015, the U.S. District Court for the Southern District of Texas issued a temporary injunction in *Texas et al. v. United States et al.*, Civ. No. B-14-254. The order enjoins DHS and its components "from implementing any and all aspects or phases" of DAPA or expanded DACA "pending a final resolution of the merits of [the *Texas*] case or until a further order of th[e] Court, the United States Court of Appeals for the Fifth Circuit or the United States Supreme Court."

**Re: Immediate Suspension of Actions to Implement DAPA and Expanded DACA Policies**

Page 2 of 2

Upon receiving the court's order, I issued a public statement making clear that the Department will fully comply with it.

I am now reiterating that instruction and directing the Department and its components to continue to suspend implementation of the DAPA and expanded DACA policies as described in my November 20, 2014 memorandum on deferred action. The Department is taking these steps to ensure compliance with the district court's order as we continue to assess the order and its implications in consultation with the Department of Justice.

Importantly, the district court's order does not enjoin implementation of the existing DACA guidance. The Department will continue to consider requests for an initial grant of DACA or a renewal of DACA under the guidelines established in 2012. Nor does the order affect the Department's ability to set and implement enforcement priorities. The priorities established in my November 20, 2014 memorandum, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants*, remain in full force and effect.

A copy of the district court's February 16, 2015 temporary injunction order is attached. If you have any questions concerning this memorandum or the district court's order, please contact the Office of the General Counsel.

Enclosure

cc: Alejandro Mayorkas, Deputy Secretary  
Stevan Bunnell, General Counsel

# ATTACHMENT B

May 1, 2015

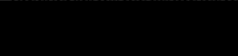
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
P.O. Box 82521  
Lincoln, NE 68501-2521



U.S. Citizenship  
and Immigration  
Services



RE: [REDACTED]  
I-765, Application for Employment Authorization



CORRESPONDENCE

Dear DACA Recipient,

USCIS records indicate that you received a 3-year Employment Authorization Document (EAD), a 3-year approval notice for your Form I-765 (Application for Employment Authorization) and may also have received a 3-year approval notice for your Form I-821D (Consideration of Deferred Action for Childhood Arrivals), all of which were issued by USCIS after February 16, 2015. The authorized period should have been for 2 years, not 3 years.

Your case has been re-opened and approved with a validity period of 2 years. USCIS records have been updated to reflect this 2-year approval. Your updated 2-year approval notice(s) and updated EAD reflecting a 2-year validity period will be mailed to the same address as this notice.

NOTE: When you receive your updated 2-year EAD, you must immediately return to USCIS the EAD that has a 3-year validity period listed. Failure to do so may result in adverse action in your case. Please also return any 3-year approval notices for Form I-821D and for Form I-765 that you received. To return the EAD and any 3-year approval notices, please send the document(s) along with a copy of this letter in the enclosed postage-paid envelope to:

UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
CITIZENSHIP AND IMMIGRATION SERVICES  
ATTN ACD DACA  
PO BOX 87730  
LINCOLN NE 68501-7730

The reason for this action is that, after a court order in Texas v. United States, No. B-14-254 (S.D. Tex); USCIS erroneously issued you a 3-year instead of 2-year approval notice or notices and a 3-year instead of 2-year EAD.



For additional information on DACA, please visit [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).

Sincerely,

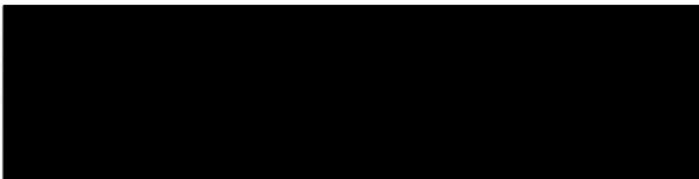


May 1, 2015

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
P.O. Box 82521  
Lincoln, NE 68501-2521



U.S. Citizenship  
and Immigration  
Services



RE:

I-765, Application for Employment Authorization

CORRESPONDENCE

Dear DACA Recipient,

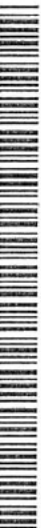
USCIS records indicate that you received a 3-year Employment Authorization Document (EAD), a 3-year approval notice for your Form I-765 (Application for Employment Authorization) and may also have received a 3-year approval notice for your Form I-821D (Consideration of Deferred Action for Childhood Arrivals), all of which were issued by USCIS after February 16, 2015. The authorized period should have been for 2 years, not 3 years.

Your case has been re-opened and approved with a validity period of 2 years. USCIS records have been updated to reflect this 2-year approval. Your updated 2-year approval notice(s) and updated EAD reflecting a 2-year validity period will be mailed to the same address as this notice.

NOTE: When you receive your updated 2-year EAD, you must immediately return to USCIS the EAD that has a 3-year validity period listed. Failure to do so may result in adverse action in your case. Please also return any 3-year approval notices for Form I-821D and for Form I-765 that you received. To return the EAD and any 3-year approval notices, please send the document(s) along with a copy of this letter in the enclosed postage-paid envelope to:

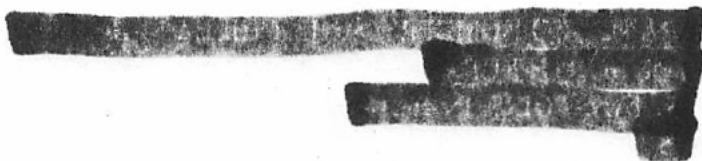
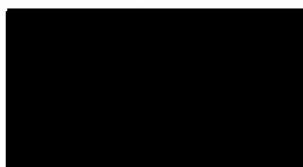
UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
CITIZENSHIP AND IMMIGRATION SERVICES  
ATTN ACD DACA  
PO BOX 87730  
LINCOLN NE 68501-7730

The reason for this action is that, after a court order in *Texas v. United States*, No. B-14-254 (S.D. Tex), USCIS erroneously issued you a 3-year instead of 2-year approval notice or notices and a 3-year instead of 2-year EAD.



For additional information on DACA, please visit [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).

Sincerely,



U.S. Department of Homeland Security  
P.O. Box 852381  
Mesquite, Texas 75185-2381



U.S. Citizenship  
and Immigration  
Services

DATE: May 13, 2015

Application: Form I-821D/I-765

File  
Number:

Requestor's Name:

Letter to DACA Recipients

Dear DACA Recipient,

USCIS records indicate that you received a 3-year Employment Authorization Document (EAD), a 3-year approval notice for your Form I-765 (Application for Employment Authorization) and may also have received a 3-year approval notice for your Form I-821D (Consideration of Deferred Action for Childhood Arrivals). The authorized period for deferred action should be 2 years, not 3 years, and the employment authorization and EAD also should be for 2 years instead of 3 years.

Your case has been re-opened and approved for 2-year periods of deferred action and employment authorization. USCIS records have been updated to reflect these 2-year approvals. Your updated 2-year approval notice(s) and updated EAD reflecting a 2-year validity period will be mailed to the same address as this notice.

**NOTE: When you receive your updated 2-year EAD, you must immediately return to USCIS the EAD that has a 3-year validity period listed. Failure to do so may result in adverse action in your case. Please also return any 3-year approval notices for Form I-821D and for Form I-765 that you received.** To return the EAD and any 3-year approval notices, please send the document(s) along with a copy of this letter in the enclosed postage-paid envelope to:

Texas Service Center  
Attn: Malethea Holmes-Okeawolam  
8001 N. Stemmons Freeway  
Dallas, Texas 75247

The reason for this action is that, after a court order in *Texas v. United States*, No. B-14-254 (S.D. Tex.), USCIS erroneously issued you a 3-year instead of 2-year EAD.

For additional information on DACA, please visit [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).

Officer # [REDACTED]

cc:

May 13, 2015

U.S. Department of Homeland Security  
U S Citizenship and Immigration Services  
P O Box 82521  
Lincoln, NE 68501-2521



U.S. Citizenship  
and Immigration  
Services



RE: I-765, Application for Employment Authorization

Dear DACA Recipient,

USCIS records indicate that you received a 3-year Employment Authorization Document (EAD), a 3-year approval notice for your Form I-765 (Application for Employment Authorization) and may also have received a 3-year approval notice for your Form I-821D (Consideration of Deferred Action for Childhood Arrivals). The authorized period for deferred action should be 2 years, not 3 years, and the employment authorization and EAD also should be for 2 years instead of 3 years.

Your case has been re-opened and approved for 2-year periods of deferred action and employment authorization. USCIS records have been updated to reflect these 2-year approvals. Your updated 2-year approval notice(s) and updated EAD reflecting a 2-year validity period will be mailed to the same address as this notice.

**NOTE: When you receive your updated 2-year EAD, you must immediately return to USCIS the EAD that has a 3-year validity period listed. Failure to do so may result in adverse action in your case. Please also return any 3-year approval notices for Form I-821D and for Form I-765 that you received. To return the EAD and any 3-year approval notices, please send the document(s) along with a copy of this letter in the enclosed postage-paid envelope to:**

USCIS  
ATTN ACD DACA  
PO BOX 87730  
Lincoln NE 68501-7730

The reason for this action is that, after a court order in *Texas v. United States*, No. B-14-254 (S.D. Tex.), USCIS erroneously issued you a 3-year instead of 2-year EAD.

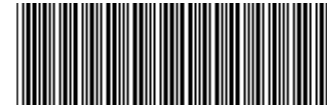
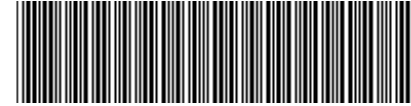
For additional information on DACA, please visit [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).

June 12, 2015

U.S. Department of Homeland Security  
U S Citizenship and Immigration Services  
P O Box 82521  
Lincoln, NE 68501-2521



U.S. Citizenship  
and Immigration  
Services



RE: I-765, Application for Employment Authorization

**CORRESPONDENCE**

USCIS records indicate that you were issued a replacement Employment Authorization Document (EAD) along with an approval notice for your Form I-765 (Application for Employment Authorization) after February 16, 2015, that is valid for longer than 2 years based on an earlier approval of a request for Deferred Action for Childhood Arrivals (DACA). Because the replacement EAD was issued after February 16, 2015, the authorized period should have been for 2 years, not longer.

Your case has been re-opened and approved for a 2-year period of deferred action and employment authorization. USCIS records have been updated to reflect these 2-year approvals. Your updated 2-year Form I-821D and Form I-765 approval notices and replacement EAD reflecting a 2-year validity period will be mailed to the same address as this notice.

NOTE: When you receive your updated 2-year EAD, you must immediately return to USCIS the EAD that has a validity period longer than 2 years. Failure to do so may result in adverse action in your case. Please also return any earlier Form I-821D and Form I-765 approval notices that you received with a validity period longer than 2 years. To return the EAD and any approval notices, please send the document(s) along with a copy of this letter in the enclosed postage-paid envelope to:

USCIS  
ATTN: ACD DACA  
PO BOX 87730  
LINCOLN NE 68501-7730

The reason for this action is that, after a court order in *Texas v. United States*, No. B-14-254 (S.D. Tex.), USCIS approves deferred action requests and related employment authorization applications based upon DACA only for 2-year periods.

U.S. Department of Homeland Security  
P.O. Box 852381  
Mesquite, Texas 75185-2381



U.S. Citizenship  
and Immigration  
Services

TO:

[REDACTED]

DATE: June 12, 2015

Application: Form I-821D/I-765

File  
Number:

[REDACTED]

Requestor's Name:

[REDACTED]

Letter to DACA Recipients

Dear DACA Recipient,

USCIS records indicate that you were issued an Employment Authorization Document (EAD) and approval notice for your Form I-765 (Application for Employment Authorization) by USCIS with incorrect dates for when your EAD period commenced.

Your case has been re-opened and approved with the correct validity period. USCIS records have been updated to reflect this change. Your corrected EAD and approval notice will be mailed to the same address as this notice.

**NOTE: When you receive your corrected EAD, you must immediately return to USCIS the EAD that was issued with the incorrect validity period. Failure to do so may result in adverse action in your case. Please also return the original approval notice for Form I-765 that you received.** To return the EAD and approval notice, please send the documents along with a copy of this letter in the enclosed postage-paid envelope to:

Texas Service Center  
Attn: Malethea Holmes-Okeawolam  
8001 N. Stemmons Freeway  
Dallas, Texas 75247

For additional information on DACA, please visit [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).

Officer #

[REDACTED]

cc:

The reason for this action is that, after a court order in *Texas v. United States*, No. B-14-254 (S.D. Tex.), USCIS approves deferred action requests and related employment authorization applications based upon DACA only for 2-year periods.

For additional information on DACA, please visit [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals).



# ATTACHMENT C

July 6, 2015

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
P.O. Box 82521  
Lincoln, NE 68501-2521



U.S. Citizenship  
and Immigration  
Services

RE: [REDACTED]  
I-765, Application for Employment Authorization

**REMINDER NOTICE: WARNING**

Dear DACA Recipient,

USCIS records show that you were instructed to return an Employment Authorization Document (EAD) with a validity period of longer than two years and have not done so. This EAD is no longer valid. You were recently issued a *new* 2-year EAD. This new 2-year EAD replaced your invalid EAD.

**You must IMMEDIATELY RETURN the previous EAD that is now invalid. USCIS must receive your EAD by July 17, 2015. Failure to return the invalid EAD without good cause (see below) may affect your deferred action and employment authorization.**

You may also have received a Form I-765 (Application for Employment Authorization) approval notice and/or a Form I-821D (Consideration of Deferred Action for Childhood Arrivals) approval notice with a validity period greater than two years. **Any approval notice with a period of *longer than two years* should also be returned.**

Please send the documents along with a copy of this letter in the enclosed postage-paid envelope to:

USCIS  
ATTN: ACD DACA  
PO BOX 87730  
LINCOLN NE 68501-7730

**Do NOT return your *new* 2-year EAD.** Recipients of this letter who need additional information or wish to speak with a Customer Service Representative, may call our National Customer Service Center at **1-800-375-5283** and select **Option #8**. USCIS may also take additional actions to contact you.

**If your EAD with a validity period of longer than 2 years is no longer in your possession, please sign and certify below that you have good cause for your not possessing any such EAD, and then return this signed letter in the enclosed postage-paid envelope to the address listed above.**

(    ) I do not have an EAD with a validity period of longer than 2 years in my possession because the EAD was:

\_\_\_\_lost

\_\_\_\_stolen,

\_\_\_\_destroyed, or

\_\_\_\_(briefly explain other good cause)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# ATTACHMENT D

Secretary

U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

July 10, 2015

MEMORANDUM FOR: Leon Rodriguez  
Director  
U.S. Citizenship and Immigration Services

From: Jeh Charles Johnson  
Secretary

A handwritten signature in black ink, appearing to be "Jeh Charles Johnson", written over a horizontal line.

Subject: *Texas et al v. United States of America, et al*, Civil  
Action No. B-14-254 (S.D. Tex.)

As you know, and as we notified the District Court in this case on May 7, USCIS sent approximately 2100 DACA recipients three-year Employment Authorization Documents ("EADs") after the Court's injunction was issued on February 16, 2015. This Department, including U.S. Citizenship and Immigration Services, must finish rectifying that situation, and promptly. There is little doubt about what the Court expects of us to fully rectify the situation of which we advised the Court on May 7.

In recent days it has also come to my attention that approximately 500 three-year EADs were sent to DACA recipients prior to the injunction, were returned to sender (USCIS), and then re-sent to DACA recipients after the injunction. This too must be rectified.

As I understand it, to date, the following corrective actions have been completed or undertaken:

First, in May-June USCIS sent letters to all of the approximately 2100 DACA recipients requiring the return of the three-year EADs. A second wave of letters was sent by USCIS on July 6-9.

Second, USCIS's SAVE system has been updated to reflect, with respect to the approximately 2100 DACA recipients, that their authorizations are for a period of two years, not three. Those states that use the SAVE database are now able to verify, in the case of the 2100 DACA recipients, the proper, two-year time period for DACA and the work authorization, for purposes of issuing drivers' licenses and other benefits.

Third, USCIS has updated its E-Verify system to ensure that any queries by employers indicate with respect to the approximately 2100 DACA recipients a two-year term of work authorization, not three.

Fourth, USCIS has updated all of its internal systems to reflect that the approximately 2100 DACA recipients are recorded as having two-year DACA approvals and work authorizations, not three.

Fifth, all USCIS internal systems have been updated to ensure that any grant of DACA, or the accompanying work authorization, cannot be issued for a term greater than two years.

Sixth, USCIS has undertaken to make in-person telephone calls to any of the approximately 2100 DACA recipients who have not yet returned their three-year EADs. As I understand it, these DACA recipients were advised that they must return their three-year EADs by July 17. I am also informed that 700 such calls were made on July 9 alone, and that these calls will be completed today, July 10.

As I understand it, as of today 922 of the approximately 2100 DACA recipients have not returned their three-year EADs to USCIS.

I hereby direct the following:

First, with respect to those of the approximately 2100 DACA recipients who have not returned their three-year EADs as of July 17, USCIS shall, by close of business on July 17, mail a Notice of Intent to Terminate, informing the recipient that his or her deferred action status and associated employment authorization will be terminated by July 30 if USCIS does not receive the three-year EAD by that time. The Notice of Termination should explain that to prevent the termination, the DACA recipient must appear at a USCIS field office.

Second, USCIS shall dispatch its personnel to visit the homes of those DACA recipients who have not yet returned their three-year EADs, for the purpose of retrieving the three-year EADs. USCIS personnel shall do this at a reasonable hour, and in a

respectful and appropriate manner. Alternatively, USCIS should send an INFOPASS Notice advising these DACA recipients to appear at a USCIS field office at a specific time and location and be prepared to surrender their three-year EADs, or contact the attorney of record for the DACA recipient. USCIS shall exercise its judgment as to whether, in the first instance, a home visit is most appropriate and effective, but in every case USCIS shall have, by July 30, either (i) retrieved the three-year EAD, (ii) visited the home of the DACA recipient listed in USCIS records for purposes of retrieving the three-year EAD, or (iii) received from the DACA recipient a written certification that he or she does not have a three-year EAD in his or her possession because it was lost, stolen, destroyed or for other good cause.

Third, USCIS shall communicate with immigrant advocacy organizations and other suitable representatives its plan of action for compliance with this directive -- specifically that meetings and home visits are solely for the purposes of compliance with the Court's order and this directive.

Fourth, USCIS shall inform relevant state officials that they may contact USCIS if they wish to establish a process, consistent with privacy and other laws and policy, by which USCIS notifies state governments of DACA recipients in their state who have invalid three-year EADs, for the purposes of the issuance of drivers' licenses and other benefits.

Fifth, with respect to those of the approximately 2100 DACA recipients from whom USCIS has not received a three-year EAD by close of business on July 30, those recipients' deferred action shall be terminated on July 31.

Sixth, by July 13, USCIS shall present to me a plan, consistent with the terms of this directive, to retrieve the approximately 500 three-year EADs that were first sent prior to the injunction, returned to sender, and re-sent after the issuance of the injunction.

Seventh, USCIS shall advise me on July 13, July 17, July 20, July 24 and July 27 on the status of its compliance with this directive.

This directive is not intended to preclude other appropriate and lawful actions by USCIS to accomplish the objectives set forth herein. Also, this directive should not be read to impact or alter the ongoing meet and confer process being engaged in by the defendants, through the Department of Justice, in the Texas litigation.